Weekly Federal Register Summary

Week of 10/12/2003

Prepared By Naval Facilities Engineering Service Center Code 42

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INTRODUCTION	2
ABOUT THE REPORT: SUBSCRIPTION: WEB DATABASE: FEEDBACK:	
SUMMARY OF ISSUES	3
General National Pollution Prevention and Toxics Advisory Committee General	3
EPA's Draft Report on the Environment, 2003	
Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petrole Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	
4. HAZARDOUS MATERIAL TRANSPORTATION **Transport of Radioactive Material** 5. HAZARDOUS MATERIAL TRANSPORTATION	6
Pipeline Safety: Gas and Hazardous Liquid Stress Corrosion Cracking Workshop 6. NEPA	7
Programmatic EIS to Evaluate Wind Energy Development on Western Public Lands Administered by the Bureau of Land Management	8
Safety Standards for Cranes and Derricks	9
Municipal Solid Waste Landfill Location Restrictions for Airport Safety 9. SPCC/OPA-90	10
National Preparedness for Response Exercise Program (PREP) - Proposed Triennial Exercise Schedule for 2004, 2005, and 2006	11
UPCOMING MEETINGS	12

Introduction

About the Report:

This weekly federal regulatory summary contains summaries of Federal Register notices and other information and is provided as a service of Naval Facilities Engineering Service Center, Port Hueneme, CA for various Navy and Marine Corps environmental personnel. Content is screened to include environmental and health/safety items specifically relevant to the Navy/Marine Corps or of broad general relevance to DOD.

Meetings -

Meeting cancellations and date changes appear only in the Upcoming Meetings section; they are not re-entered in the Summary of Issues.

Subscription:

Interested DOD personnel may receive a free weekly e-mail of this report. To subscribe or unsubscribe, log on to http://regscreen.nfesc.navy.mil/htm/Subscribe.htm.

Contractors can be added to distribution if endorsed by their DOD contract representative via e-mail to us at regdesk@nfesc.navy.mil. Include the DOD representative's name, e-mail, phone number, job title, command, and address and your e-mail, phone number, company, and contractual responsibility area. If you have problems, or need assistance please contact us at regdesk@nfesc.navy.mil or 805/982-1276.

Web Database:

A companion website is available at http://regscreen.nfesc.navy.mil (access limited to .mil domains) where you can find and retrieve items from past issues of the Weekly Regulatory Summary, or get an overview of upcoming regulations.

Feedback:

We have made every effort to ensure that the information provided is accurate and that all significant regulatory actions have been included. If you believe that an important issue has been omitted from this report or that the information is incorrect, please contact us at 805/982-1276 or 805/982-2640, or via e-mail at regdesk@nfesc.navy.mil. Suggestions for improvement are also appreciated.

If you have specific concerns or would like to provide information to support Navy/DOD impacts from identified issues, please forward an e-mail detailing your comments. Please include the title and date of the issue. We may be contacted at: regdesk@nfesc.navy.mil or call 805/982-1276.

Summary of Issues

1. General

National Pollution Prevention and Toxics Advisory Committee	Date: 10/15/2003
Action Type: Meeting Announcement	Cite: 68 FR 59402

Summary:

EPA's National Pollution Prevention and Toxics Advisory Committee will meet November 4 and 5, 2003 in Arlington, VA.

The proposed agenda includes items related to the chemical management and pollution prevention programs at EPA's Office of Pollution Prevention and Toxics, for example: Existing Chemicals Program, including the High Production Volume Challenge Program, New Chemicals Program, Pollution Prevention, Risk Assessment, Risk Management, Risk Communication, and coordination with States, and other stakeholders.

Potential Impact or Relevance:	CFR References:
Provided for information only.	
Further Information:	
Mary Hanley, EPA Office of Pollution Prevention and Toxics, Washington,	
DC, (202) 564-9891, npptac.oppt@epa.gov	

Full Text Document Location:

http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26053.htm

http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-26053.pdf

2. General

EPA's Draft Report on the Environment, 2003	Date: 10/15/2003
Action Type: Meeting Announcement	Cite: 68 FR 59401

Summary:

The Office of Environmental Information, the Office of Research and Development and EPA's Regional Offices will meet from November 6 to December 12, 2003 in five different locations to solicit feedback on the 'Draft Report on the Environment' issued June 23, 2003.

The national dialogue sessions are a first step in soliciting feedback on the report and will focus on:

- assessing the quality, structure, relevance, appropriateness of, and needed improvements to the report;
- identifying additional or new questions/indicators;
- changes in indicators;
- gaps;
- indicator improvements;
- assessing the use of the report for planning and decision-making.

The documents are available at: http://www.epa.gov/indicators/roe/

The report covers five "theme areas":

- Cleaner Air: Impacts of indoor air quality on human health and of outdoor air quality on health and ecosystems.
- Purer Water: Drinking water, recreational water use, the condition of the nation's water resources, and the living resources sustained by them.
- Better Protected Land: Land use and activities that affect the condition of the American landscape, including information on agricultural practices, Integrated Pesticide Management, waste management, emergency response and preparedness, and recycling.
- Human Health: Trends in diseases, human exposure to environmental pollutants, and diseases thought to be related to environmental pollution.
- Ecological Condition: A look at our living and natural resources, current pressures or stressors on these resources, and a look at their sustainability into the future.

Potential Impact or Relevance:	CFR References:
Provided for information only.	
Further Information:	
Dawn Banks-Waller, Office of Information Analysis and Access,	
Environmental Analysis Division, EPA, Washington, DC, 202-566-0625,	
banks-waller.dawn@epa.gov	
Full Text Document Location:	
http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26052.htm	
http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-26052.pdf	

3. CAA

Standards of Performance for Volatile Organic Liquid Storage Vessels	Date: 10/15/2003
(Including Petroleum Liquid Storage Vessels) for Which Construction,	
Reconstruction, or Modification Commenced After July 23, 1984	
Action Type: Final Rule, Change	Cite: 68 FR 59328

Summary:

EPA has amended the regulations addressing volitile organic liquid storage vessels (including petroleum liquid storage) to exempt certain storage vessels by capacity and vapor pressure, exempt process tanks, and add a definition for process tanks.

Changes include reduction in the regulated storage tank size is reduced from 40,000 gallons to 19815 gallons (75,000 liters), and exclusion of tanks storing materials of low volatility. Underground tanks (above the size threshold) are covered by this regulation unless the total volume of petroleum liquids added to and taken from the tank annually does not exceed twice the volume of the tank.

Potential Impact or Relevance:	CFR References:
Volatility provisions would potentially still capture (regulate) gasoline, and	40 CFR 60
JP-4. Reduction in tank size below 20,000 gallons may capture additional	
tanks.	
Further Information:	
Mark Morris, Emission Standards Division, EPA, Research Triangle Park,	
NC, 919-541-5416, morris.mark@epa.gov	
Full Text Document Location:	
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http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-24774.htm

http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-24774.pdf

4. Hazardous Material Transportation

Transport of Radioactive Material	Date: 10/14/2003
Action Type: Meeting Announcement	Cite: 68 FR 59237

Summary:

DOT, RSPA will meet to discuss proposed changes to the International Atomic Energy Agency's (IAEA) Regulations for the Safe Transport of Radioactive Materials, TS-R-1, scheduled for revision in the year 2005. The meeting will be held November 5, 2003 in Washington, DC.

The purpose of this meeting is to discuss the DOT comments forwarded to the International Atomic Energy Agency (IAEA) on the proposed changes to the IAEA Regulations for the Safe Transport of Radioactive Materials, TS-R-1. These comments will be presented as the U.S. position at the IAEA regulatory review meeting scheduled for November 10-14, 2003, in Bonn, Germany.

The regulatory changes proposed by IAEA are available at: http://hazmat.dot.gov/files/IAEA_TS-R-1 rev prop.pdf. A consolidated draft of the endorsed proposed TS-R-1 revision may be downloaded at http://hazmat.dot.gov/files/IAEA_TS-R-1 rev draft.pdf. A summary of the U.S. DOT positions forwarded to the IAEA may be downloaded at http://hazmat.dot.gov/files/IAEA_TS-R-1 dot position.pdf.

Potential Impact or Relevance:	CFR References:
Provided for information only.	
Further Information:	
Rick Boyle, DOT Office of Hazardous Material Technology, Washington,	
DC, (202) 366-2993, <u>rick.boyle@rspa.dot.gov</u>	
Full Text Document Location:	
http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25895.htm	
http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-25895.pdf	

5. Hazardous Material Transportation

Pipeline Safety: Gas and Hazardous Liquid Stress Corrosion Cracking Workshop	Date: 10/14/2003
Action Type: Meeting Announcement	Cite: 68 FR 59236

Summary:

DOT's RSPA, Office of Pipeline Safety (OPS) and the National Association of Pipeline Safety Representatives (NAPSR) are cosponsoring a workshop on stress corrosion cracking in both gas and hazardous liquid pipelines. The workshop will be held December 2, 2003 in Houston, TX.

RSPA/OPS recently issued an Advisory Bulletin to remind owners and operators of gas transmission and hazardous liquid pipelines to consider stress corrosion cracking (SCC) as a risk factor when developing and implementing Integrity Management Plans. All owners and operators of pipeline systems, whether or not their pipeline systems are subject to the Integrity Management Plan rules, should determine whether their pipeline system is susceptible to SCC and assess the impact of SCC on pipeline integrity. Based on this evaluation an operator should prioritize application of internal inspection, hydrostatic testing, or other forms of integrity verification.

This technical workshop will address the following:

- 1. Stress Corrosion Cracking--description, science, and history.
- 2. Practical application of SCC principles--how to assess SCC in operating pipelines within the context of integrity management.
- 3. Response to the occurrence of SCC--guidelines for response and remediation; addressing public concerns.
- 4. Research and development--knowledge gaps and next steps.

RSPA/OPS will soon publish a final rule to require gas transmission pipelines to develop Integrity Management Plans for high consequence areas that incorporates requirements for addressing SCC threats by referencing Appendix A3 of standard ASME B31.8S.

Potential Impact or Relevance:	CFR References:
Provided for information only.	
Further Information:	
Janice Morgan, DOT, RSPA, 404-562-3552, janice.morgan@rspa.dot.gov	
Full Text Document Location:	
http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25894.htm	
http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-25894.pdf	

6. NEPA

Programmatic EIS to Evaluate Wind Energy Development on Western	Date: 10/17/2003
Public Lands Administered by the Bureau of Land Management	
Action Type: Notice	Cite: 68 FR 59814

Summary:

Bureau of Land Management (BLM) will prepare a Programmatic Environmental Impact Statement (EIS) to evaluate issues associated with wind energy development on western public lands (excluding Alaska) administered by the BLM. BLM has determined that the establishment of a national wind energy program and additional related policy would be a major federal action as defined by the NEPA and, thus, the BLM will prepare a Programmatic EIS.

The Programmatic EIS will pay special attention to the resources listed below:

- Wildlife and wildlife habitat including avian impacts,
- Proximity to military activities,
- Visual environment, and
- Proximity to wilderness or other special management areas.

The Programmatic EIS will also address the indirect and cumulative impacts associated with wind energy development on a wide range of other resource issues.

BLM will accept comments on the scope through December 19, 2003. Several scoping meeting are scheduled during November.

BLM has established a Wind Energy Development Programmatic EIS Web site at windeis.anl.gov.

Potential Impact or Relevance:	CFR References:
Provided for information only.	
Further Information:	
Lee Otteni, BLM Farmington Field Office, Farmington, NM, (505) 599-8911	
Full Text Document Location:	
http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26123.htm	
http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gno.gov/2003/pdf/03-26123.pdf	

7. OSHA

Safety Standards for Cranes and Derricks	Date: 10/17/2003
Action Type: Meeting Announcement	Cite: 68 FR 59751

Summary:

OSHA's Crane and Derrick Negotiated Rulemaking Advisory Committee will meet November 5-7, 2003 in Washington DC. Issues addressed at the meeting will include:

- The identification/description of what constitutes "cranes and derricks" for purposes of determining the equipment that will be covered by the proposed rule.
- Qualifications of individuals, who operate, maintain, repair, assemble, and disassemble cranes and derricks.
 - Work zone control.
 - Crane operations near electric power lines.
 - Qualifications of signal-persons and communication systems and requirements.
 - Load capacity and control procedures.
 - Wire rope criteria.
 - Crane inspection/certification records.
 - Rigging procedures.
 - Requirements for fail-safe, warning and other safety-related devices/technologies.
 - Verification criteria for the structural adequacy of crane components.
 - Stability testing requirements.
 - Blind pick procedures.
 - Fall protection.
 - Crane on barges and barge cranes.
 - Self-erecting hydraulic piling rigs.

No date has been established for release of any proposed rule.

Potential Impact or Relevance:	CFR References:
Potential interest to health and safety managers that are responsible for	29 CFR 1926
monitoring crane operations.	
Further Information:	
Michael Buchet, Office of Construction Standards and Guidance, OSHA,	
Washington, DC, (202) 693-2345.	
Full Text Document Location:	
http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26300.htm	
http://2257.g.akamaitach.nat/7/257/2422/14mar20010800/adocket.accass.gno.gov/2003/n4f/03_26300.ndf	

8. RCRA

Municipal Solid Waste Landfill Location Restrictions for Airport Safety	Date: 10/15/2003
Action Type: Notice	Cite: 68 FR 59333

Summary:

EPA is adding a note at the end of 40 CFR 258.10, the location restriction requirements in the criteria for municipal solid waste landfills, referring to the landfill siting requirements enacted in the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, Pub. L. 106-181.

EPA had published a direct final rule (67 FR 45915) to incorporate the Ford Act restrictions into EPA's criteria for MSWLFs under RCRA, but after receiving adverse comments EPA has decided not to finalize the rule as proposed. EPA is incorporating information about the Ford Act in a note following the criteria in 40 CFR 258.10. As a result, the specific limitations of the Ford Act are not being incorporated into the criteria for MSWLFs under RCRA and are not enforceable as part of EPA's MSWLF criteria. The note is for advisory purposes only.

Because section 503 of the Ford Act is directly applicable to any "person" constructing or establishing a MSWLF, it does not by its terms require implementation through regulation. The Ford Act does not amend Subtitle D of the Resource Conservation and Recovery Act (RCRA), which EPA administers.

Potential Impact or Relevance:	CFR References:
Provided for information only.	40 CFR 258
Further Information:	6111200
Mary T. Moorcones, EPA Office of Solid Waste, Municipal and Industrial	
Solid Waste Division, EPA, Washington, DC, 540-338-1348,	
moorcones.mary@epamail.epa.gov	
Full Text Document Location:	
http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25934.htm	
http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-25934.pdf	

9. SPCC/OPA-90

Cite: 68 FR 59627
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Summary:

The Coast Gurad has announced the next triennial schedule of PREP Area exercises, 2004 through 2006, requests comments from the public, and requests industry participants to volunteer for scheduled exercises.

The Preparedness for Response Exercise Program (PREP) Area exercise schedule and exercise design manuals are

available on the Internet at: http://www.uscg.mil/hq/nsfweb/nsfcc/prep/prepexercisesked.html.

Comments are due December 15, 2003.

Potential Impact or Relevance:	CFR References:
Provided for information only.	
Further Information:	
Robert Pond, Coast Guard Headquarters, Office of Response, Plans and	
Preparedness Division, 202-267-6603, rpond@comdt.uscg.mil	
Full Text Document Location:	
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 $\underline{http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26129.htm}$

 $\underline{http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-26129.pdf}$

Upcoming Meetings

General

National Pollution Prevention and Toxics Advisory Committee

Full Tex

 $\frac{http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26053.htm}{3-26053.htm}$

Location	Start Date	Start Time	Duration	Details
Arlington, VA	11/4/2003	1:30 PM	1 1/2 Days	

EPA's Draft Report on the Environment, 2003

Full Tex

 $\frac{http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/0}{3-26052.htm}$

Location	Start Date	Start Time	Duration	Details
Chicago, IL	11/6/2003	9:00 AM	1 Day	
Atlanta, GA	11/13/2003	9:00 AM	1 Day	
San Francisco, CA	11/18/2003	9:00 AM	1 Day	
Seattle, WA	11/20/2003	9:00 AM	1 Day	
Dallas, TX	12/12/2003	9:00 AM	1 Day	

Hazardous Material Transportation

Transport of Radioactive Material

Full Text

 $\frac{http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25895.htm$

Location	Start Date	Start Time	Duration	Details
Washington, DC	11/5/2003	9:30 AM	1/2 Day	

Pipeline Safety: Gas and Hazardous Liquid Stress Corrosion Cracking Workshop

Full Text

http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25894.htm

Location	Start Date	Start Time	Duration	Details
Houston, TX	12/2/2003	8:00 AM	1 Day	

Chemical Transportation Advisory Committee

Full Text

 $\frac{\text{http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/0}{3-24572.htm}$

Location	Start Date	Start Time	Duration	Details
Washington, DC	10/23/2003	8:00 AM	2 Days	

Natural and Cultural Resources

Aquatic Nuisance Species Task Force Meeting

Full Text

http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25647.htm

Location	Start Date	Start Time	Duration	Details
Arlington, VA	11/4/2003	8:00 AM	2 Days	

Invasive Species Advisory Committee

Full Tex

http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-24333.htm

Location	Start Date	Start Time	Duration	Details	
Washington, DC	10/29/2003	9:00 AM	2 Davs		

Standards for Living Organisms in Ship's Ballast Water Discharged in U.S. Waters

Full Text

http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25188.htm

Location	Start Date	Start Time	Duration	Details
New Orleans, LA	10/27/2003	12:00 PM	1 Day	
Oakland, CA	10/29/2003	12:00 PM	1 Day	
Cleveland, OH	10/31/2003	12:00 PM	1 Day	
Norfolk, VA	11/3/2003	12:00 PM	1 Day	
Washington, DC	11/7/2003	11:00 AM	1 Day	

NEPA

San Jacinto River and Upper Santa Margarita River Watersheds, Riverside County, CA - Draft EIS for a Special Area Management Plan

Full Text http://frwebgate.access.gpo.gov/cgi-

hin/getdoc cgi?dhname=2002_register&docid=fr26de02-47

biii/getuoc.c	<u>g1:u011a1116-2002_1</u>	egisterædo	<u> </u>	† /
Location	Start Date	Start Time	Duration	Details
Hemet, CA	11/23/2003	6:30 PM	1/2 Day	

National Environmental Policy Act Task Force Report

Full Text

 $\underline{\text{http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/0}}{3-24527.\text{htm}}$

Location	Start Date	Start Time	Duration	Details
Shelton, WA	10/30/2003	9:00 AM	2 Days	

OSHA

Safety Standards for Cranes and Derricks

Full Text

http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/0

3-26300.htm

Location	Start Date	Start Time	Duration	Details	
Washington, DC	11/5/2003	8:30 AM	3 Davs		

Study of Lung Cancer and Diesel Exhaust Among Non-metal Miners

Full Text

http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25233.htm

Location	Start Date	Start Time	Duration	Details
Washington, DC	11/5/2003	9:00 AM	1 Day	

SDWA

Meeting of the Drinking Water Contaminant Candidate List Classification Process Work Group of The National Drinking Water Advisory Council

Full Text

 $\frac{\text{http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/0}{3-5910.htm}$

Location	Start Date	Start Time	Duration	Details
Washington, DC	11/13/2003	9:00 AM	2 Days	

Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems

Full Text

http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-23162.htm

Location	Start Date	Start Time	Duration	Details
Arlington, VA	10/29/2003	9:00 AM	1 Day	

Site Remediation

Notification of a Consultative Meeting of the Radiation Advisory Committee of the Science Advisory

Full Text

http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25403.htm

Location	Start Date	Start Time	Duration	Details
Washington, DC	10/21/2003	9:00 AM	2 Days	